merce with any foreign nation, has been held within the regulative power of Congress. *The Abby Dodge*, 223 U. S. 166. The same is true of the carriage of goods between two points in the same state over a route passing through another state. *Hanley* v. *Kansas City Southern Ry. Co.*, 187 U. S. 617. These cases seem to afford strong argument from authority for recognizing a dormant federal power in a situation like the one here disclosed.

INTERSTATE COMMERCE — CONTROL BY CONGRESS — ACT TO REGULATE COMMERCE — ISSUANCE OF PASSES TO EMPLOYEES OF COMMON CARRIERS NOT SUBJECT TO THE ACT. — Section 1 of the Act to Regulate Commerce, as amended June 29, 1906, prohibits the issuance of passes by common carriers subject to the Act, but expressly permits "the interchange of passes for the officers, agents and employees of common carriers and their families." This section was reënacted in 1910, with an amendment providing that the section should not prohibit "the privilege of passes . . . for . . . employees . . . of such telegraph, telephone, and cable lines, and the . . . employees . . . of other common carriers subject to the provisions of this act." The United States seeks to enjoin the issuance of passes by the defendant to employees of common carriers not subject to the Act. *Held*, that the relief be denied. *United States* v. *Erie R. Co.*, Sup. Ct. Off., No. 493 (Feb. 23, 1915).

The section in question had been previously interpreted by the Interstate Commerce Commission to mean that the interchange of passes was not permissible except with carriers subject to the Act. *Petition of the Frank Parmelee Co.*, 12 I. C. C. 39. And this interpretation had been embodied in the Conference Rulings. *I. C. C. Conference Rulings*, 95 *g*. In 1910 the section was reënacted without change, except for the addition of the second proviso above quoted. 36 U. S. STAT. AT LARGE, 546. Such a reënactment indicates a certain tacit approval of the Commission's interpretation and might have been expected to influence the Supreme Court to adopt the existing construction. See *New York, N. H. & H. R. Co.* v. *Interstate Commerce Commission*, 200 U. S. 361, 401. But the actual, and unopposed, practice of the carriers was to the contrary, and accordingly the court was persuaded to adopt a construction opposed to the Commission's ruling. The amendment of 1910 was taken to sustain the view of the court, in that it limited the interchange merely of telegraph and telephone franks to carriers subject to the Act. Furthermore, the only possible justification for the interchange of passes even with employees of carriers subject to the Act arises from the financial value of harmonious relations with possible feeders, and applies with equal cogency in the case of carriers not subject to the Act. The Supreme Court's construction, therefore, leaving aside any question of the possible abuse of such a pass system, seems to be completely in harmony with the logic of the exemption.

INTERSTATE COMMERCE — CONTROL BY CONGRESS — APPLICATION OF CARMACK AMENDMENT TO SHIPMENTS BETWEEN TWO *TERMINI* IN SAME STATE WHICH PASS THROUGH ANOTHER STATE. — A shipment of goods from one point to another in the same state passed *en route* through another state. The shipper now seeks to hold the initial carrier for damages without showing a contract for through carriage. The Carmack Amendment provides for the liability of the initial carrier in shipments "from a point in one state to a point in another state." *Held*, that the plaintiff cannot recover. *Wichita Falls & W. Ry. Co. of Texas* v. *Asher*, 171 S. W. 1114 (Tex. Civ. App.).

The court takes the position that the Carmack Amendment does not apply to a shipment of this nature. Such a shipment is undoubtedly interstate, and therefore subject to regulation by Congress. *Hanley* v. *Kansas City Southern R. Co.*, 187 U. S. 617. The inquiry then is merely whether Congress has in

fact taken control of commerce between points in the same state passing through another state. Authority is abundant to the effect that the provisions of the Act as to rates apply to such commerce. *United States* v. *Delaware, L. & W. R. Co.*, 152 Fed. 269; *Chicago, St. P., M. & O. Ry. Co.* v. *United States*, 162 Fed. 835; *Milk Producers' Ass'n* v. *Delaware, L. & W. R. Co.*, 7 I. C. C. 92. These cases rely on the words of § 1, defining the scope of the Act, "from one State . . . to any other State, . . . provided that the provisions of this Act shall not apply to transportation . . . wholly within one State." The language of the Carmack Amendment is as broad and should not be construed to have a less comprehensive scope. The narrow interpretation adopted in the principal case defeats the uniformity which Congress presumably sought to secure, and it is submitted that it would be much preferable to construe the Amendment broadly to cover this as well as other kinds of interstate commerce.

INTERSTATE COMMERCE — INTERSTATE COMMERCE COMMISSION — POWER TO INSPECT CORRESPONDENCE OF CARRIERS. — While engaged, in response to a resolution of the Senate, in investigating alleged financial and political practices of the defendant railroad, the Interstate Commerce Commission requested the railroad to give the examiners access to its correspondence files. The defendant refused. *Held*, that there was no error in refusing a mandamus to compel the railroad to give such access. *United States* v. *Louisville & Nashville R. Co.*, Sup. Ct. Off., No. 499 (Feb. 23, 1915).

As an investigating body the Interstate Commerce Commission has broad and not very well-defined powers and duties. Under Section 12 of the Interstate Commerce Act, it may, by compelling attendance of witnesses and production of books and papers, call for such information as it needs to carry out the purposes for which it was created. 4 U. S. COMP. STAT. 1913, § 8576. This section gives merely a judicial power to call for papers by subpœna, not a power to inspect them through examiners; and constitutional doubts have led the Supreme Court to hold that the inquisitorial power may be used only in aid of the quasi-judicial functions of the Commission. *Harriman* v. *Interstate Commerce Commission*, 211 U. S. 407. Section 20 of the Act empowers the Commission to prescribe the forms of accounting and traffic records, and gives its agents access to the "accounts, records and memoranda" of the carriers. 4 U. S. COMP. STAT. 1913, § 8592 (5). As to records of an accounting nature, this section has been given the broadest possible construction. See *Interstate Commerce Commission* v. *Goodrich Transit Co.*, 224 U. S. 194. It seems clear, however, that it was intended to apply only to traffic and accounting records, and not to correspondence files; it was certainly so understood by the Commission, which itself drafted and recommended the provision. See 19th ANNUAL REPORT, I. C. C., pp. 11, 182. There was nothing in the Act, therefore, to justify the roving commission sought in the principal case. See also *United States* v. *Nashville, C. & St. L. Ry.*, 217 Fed. 254.

JOINT-WRONGDOERS — INDEMNITY: PARTIES NOT *IN PARI DELICTO*. — A colt was injured by a strand of barbed wire which was permitted to trail into the highway by reason of the negligence of both the township and the owner of the adjacent land. The township, having been compelled to pay a judgment for damages to the owner of the colt, brings an action over against the landowner. *Held*, that it may recover. *College Township* v. *Fishburn*, 72 Leg. Intell. 34 (Dist. Ct., Pa.).

The decision assumes the doctrine not generally accepted elsewhere that a mere township is under the same liability as a municipality for negligent maintenance of a highway. On this basis, it permits the township, in accordance with the usual rule, to recover over against the person who negligently created or continued the dangerous condition which caused the damage for which it